

THE LAW OFFICES OF SEAN M. MAHER, PLLC

January 3, 2023

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 1/4/23

VIA ECF

The Honorable Kimba M. Wood
 United States District Judge
 United States Courthouse
 500 Pearl Street
 New York, NY 10007

MEMO ENDORSED

**RE: *United States v. Abreu Gil et al. (Francisco Salazar),
 20 Cr. 199 (KMW)***

Dear Judge Wood:

On behalf of Mr. Francisco Salazar, I respectfully write to request that the Court adjourn Mr. Salazar's voluntary surrender date for 46 days from January 6, 2023 until February 21, 2023.

On October 19, 2022, the Court sentenced Mr. Salazar to one month of incarceration, along with other conditions. Because of Mr. Salazar's significant health issues, the Court made a recommendation to the BOP that Mr. Salazar "be incarcerated in one of the specialized medical facilities as close to New York City as possible, in particular, FMC Devens." Judgment at 2, Doc. No. 421, filed 10/25/2022; Minute entry of sentencing proceedings held on 10/19/2022, filed 10/24/2022.

Contrary to the recommendation made by the Court, the BOP has informed Mr. Salazar that his designated place of incarceration is the Brooklyn MDC. I have communicated with the BOP's Designation & Sentence Computation Center ("the DSCC") about modifying Mr. Salazar's designation to FMC Devens. Via email, the DSCC informed me that "a request from a friend, family member or attorney is not a factor the Bureau considers when making designation determinations pursuant to 18 U.S.C. 3621(b)," and declined my request to reconsider its designation decision.

U.S. Probation Officer Courtney DeFeo recently conducted a home visit with Mr. Salazar and informed me that she has significant concerns for Mr. Salazar's health and welfare should he be incarcerated at the MDC.

I am seeking this 46-day adjournment of Mr. Salazar's voluntary surrender date so that I may explore other BOP channels and perhaps provide additional medical records to the BOP in the hope that the BOP will modify its designation to be in conformity with the Court's recommendation.

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I have conferred with the government concerning the defense's adjournment request and have been informed by AUSA Kedar Bhatia that the government consents to the instant request.

Respectfully submitted,

S/
Sean M. Maher
Counsel for Francisco Salazar

cc: All parties via ECF
U.S. Probation Officer Courtney DeFeo via email

Sean M. Maher

SO ORDERED

1/4/23